

SENATE BILL 52

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P3

2004 Regular Session
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(PRE-FILED)

By: **Chairman, Education, Health, and Environmental Affairs Committee**
(By Request - Departmental - Planning)

Requested: November 3, 2003

Introduced and read first time: January 14, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Priority Funding Areas - Funding of Sewerage and Water Supply Systems**

3 FOR the purpose of authorizing the State, without the approval of the Board of Public
4 Works, to provide funding for certain water supply or sewerage facilities that
5 are located entirely or partially outside of a priority funding area under certain
6 circumstances; requiring the Department of Planning and the Department of
7 the Environment to make certain determinations; and generally relating to the
8 funding of water supply and sewerage facilities.

9 BY repealing and reenacting, with amendments,
10 Article - State Finance and Procurement
11 Section 5-7B-06
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - State Finance and Procurement**

17 5-7B-06.

18 (a) The State may provide funding for a growth-related project not in a
19 priority funding area without receiving approval from the Board of Public Works as
20 provided under § 5-7B-05 of this subtitle for:

21 (1) a project that is required to protect public health or safety; or

22 (2) a project involving federal funds, to the extent compliance with this
23 subtitle would conflict or be inconsistent with federal law; or

24 (3) a growth-related project related to a commercial or industrial
25 activity which, due to its operational or physical characteristics, shall be located away
26 from other development, including:

- 1 (i) a natural resource based industry;
- 2 (ii) an industry relating to:
- 3 1. agricultural operations, as defined in § 7-101 of the Labor
4 and Employment Article;
- 5 2. forestry activities; or
- 6 3. mineral extraction;
- 7 (iii) an industry that is proximate to:
- 8 1. an airport facility;
- 9 2. a port facility;
- 10 3. a railroad facility;
- 11 4. a transit facility; or
- 12 5. a major highway interchange; or
- 13 (iv) a tourism facility or museum that is required to be located away
14 from other development due to necessary proximity to specific historic, natural, or
15 cultural resources;

16 (4) WATER SUPPLY OR SEWERAGE FACILITIES LOCATED OUTSIDE OF
17 PRIORITY FUNDING AREAS DUE TO OPERATIONAL CHARACTERISTICS OR
18 ENVIRONMENTAL REGULATIONS, PROVIDED THAT THE DEPARTMENT OF PLANNING
19 MAKES A DETERMINATION THAT THE ASSOCIATED SERVICE AREA IS A PRIORITY
20 FUNDING AREA; OR

21 (5) WATER SUPPLY OR SEWERAGE FACILITIES WITH SERVICE AREAS
22 PARTIALLY OUTSIDE OF PRIORITY FUNDING AREAS WHERE:

23 (I) THE DEPARTMENT OF PLANNING HAS DETERMINED THAT LESS
24 THAN 5 PERCENT OF THE CAPACITY IS UTILIZED BY DEVELOPMENT OUTSIDE OF THE
25 PRIORITY FUNDING AREA; OR

26 (II) 1. A. THE DEPARTMENT OF PLANNING HAS DETERMINED
27 THAT MORE THAN 5 PERCENT OF THE CAPACITY IS UTILIZED BY DEVELOPMENT
28 OUTSIDE OF THE PRIORITY FUNDING AREA; AND

29 B. THE STATE SHARE OF FUNDING IS REDUCED BY A
30 PROPORTION TO BE DETERMINED BY THE DEPARTMENT OF THE ENVIRONMENT AND
31 THE DEPARTMENT OF PLANNING; AND

32 2. THE DEPARTMENT OF PLANNING AND THE DEPARTMENT
33 OF THE ENVIRONMENT HAVE DETERMINED THAT THE SERVICE AREA BEYOND THE
34 PRIORITY FUNDING AREA IS CONSISTENT WITH THE COUNTY WATER AND

1 SEWERAGE PLANS REQUIRED BY § 9-503 OF THE ENVIRONMENT ARTICLE AND WITH
2 LOCAL COMPREHENSIVE PLANS.

3 (b) A procedure for notification, review, and comment on exceptions proposed
4 under this section shall be established jointly by the applicable State agency and the
5 Department of Planning.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2004.